

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:01-cr-00185-FDW

UNITED STATES OF AMERICA,)	
)	
)	
vs.)	
)	ORDER
LINWOOD GERALD KENNY,)	
)	
Defendant.)	

THIS MATTER is before the Court on Defendant's pro se Motion for Compassionate Release/Reduction of Sentence. (Doc. No. 287). After reviewing the motion, the Court hereby ORDERS the Government to respond to the merits of Defendant's motion, including arguments and/or concessions on the 18 USCA § 3553(a) factors. If applicable, the response should also include whether or not Defendant has received, is scheduled to receive, or has refused to receive the COVID-19 vaccine. The Government shall have thirty (30) days from the date of this Order to file its response with the Court. The Government shall advise the United States Probation Office if the Government believes a supplemental Presentence Investigation Report will be required. Defendant shall have thirty (30) days from the date of service of the Government's response to file a final reply brief in support of his motion.


Also before this Court is Defendant's Pro Se Motion for Reconsideration of the denial of his motion to appoint counsel (Doc. No. 288). For the reasons stated in the Court's original order, (Doc. No. 284), and pursuant to United States v. Legree, 205 F.3d 724 (4th Cir. 2000), and In Re: Appointment of Counsel for Motions for a Sentence Reduction Pursuant to the First Step Act, 3:21-mc-228 (W.D.N.C. Dec. 16, 2021), the Court DENIES Defendant's Motion.

IT IS THEREFORE ORDERED that the Government and Defendant shall provide additional briefing to this Court on Defendant's pending Motion for Compassionate Release, (Doc. No. 287), in accordance with the deadlines set herein.

IT IS FURTHER ORDERED that Defendant's Motion for Reconsideration, (Doc. No. 288), is DENIED.

IT IS SO ORDERED.

Signed: June 28, 2022


Frank D. Whitney
United States District Judge

